



## TOWN OF BEAUX ARTS VILLAGE

### TOWN COUNCIL MINUTES

March 14, 2006

Sharp

Mayor Wells called the meeting to order at 7:00 pm.

**PRESENT:** Mayor Judee Wells, Councilmembers Carol Clemett, Richard Leider, Tom Robinson, Aaron Sharp, and Bruce Young.

**EXCUSED:** None.

**STAFF:** Clerk-Treasurer Sue Ann Spens.

**GUESTS:** Water Superintendent Bob Durr, Planning Commissioner Dennis Casey WABA Representative Joann Bromberg, Robin Stefan.

**WABA REPORT:** WABA Representative Joann Bromberg reported that WABA would like to be involved in the Town's upcoming updates to our Shoreline Management Program, since any changes in the Town's Program will affect WABA.

She asked what Deputy Clerk Donworth's schedule is for updating the Green Book. Clerk-Treasurer Spens answered that the updates are usually completed in the spring. WABA will provide update their material by mid-April to be included in the book.

She reported that WABA has not yet discussed the Town's plan to enforce our boat-trailer parking ordinance but will at their upcoming meeting. She added that WABA also plans to discuss their woodlands with the membership at an upcoming meeting, probably the March 28<sup>th</sup> meeting. She noted that WABA will work hard to achieve consensus on their plans but that it may take several discussions.

**MINUTES:** Councilmember Leider moved to approve the February 14, 2006 minutes as amended. Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**WARRANTS:** Councilmember Leider moved to approve the March 14, 2006 warrant list, including warrant numbers 6968 through 6993 in the amount of \$25,545.44. Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

**MARSHAL'S REPORT:** No report.

**WATER REPORT:** Water Superintendent Durr stated that he has nothing to report.

Councilmember Sharp asked Water Superintendent Durr if he knew anything about problems with a storm drain on the South Beach Road. Mr. Durr answered that he thinks the storm

drain daylight onto the road. He added that he and Bill Beck are working on a valve connecting 102<sup>nd</sup> Ave SE to the South Beach Road.

Councilmember Leider stated that water from the storm drain runs even in the driest summer months and wondered if there is a break in a water-supply line that may be causing this runoff. Mr. Durr and Bill Beck will investigate the problem and work to remedy it.

**EMERGENCY PREPAREDNESS:** Councilmember Robinson reported that he would like to reserve 45 minutes on the next meeting agenda. He stated that he plans to meet with Blockwatch Coordinator Sylvia Hobbs, Town Marshal Kyle Branum, Councilmember Bruce Young, and others to discuss emergency preparedness issues.

**PLANNING COMMISSION RECOMMENDATIONS FOR ALLOWING LIMITED INTRUSIONS INTO SETBACKS:** Planning Commissioner Dennis Casey recapped recent discussions at the Planning Commission and stated that the Commissioners are in support of an amendment to the Town's Zoning Code that would allow minor intrusions of a very limited nature into the setbacks.

He reported that Town Planner Mona Green had drafted language for the Planning Commission's review that would allow eaves and chimneys to intrude up to 18" into the setback area but only if the full 10-foot setback is intact without the intrusion. He then stated that the compelling reason that persuaded the Commission to support this limited change is to protect the smaller houses by making it easier to remodel them without a variance. He added that the Planning Commission hopes that this change will encourage residents who own or purchase the smaller homes to remodel them rather than tear them down to rebuild.

He closed by stating that the Planning Commission is not advocating that setbacks be changed or their application softened in any way nor that the Board of Adjustment construe this recommended change as indicating that the Planning Commission intended to allow other intrusions into setbacks.

Mayor Wells asked if the Planning Commission discussed limiting the width of the allowed chimney intrusion. Commissioner Casey answered that they did not.

Councilmember Leider asked how many homes would be affected by this change. Commissioner Casey answered that any home could be affected though he has no hard numbers at this time. He added that owners usually become aware of the restrictive rules and the large number of non-conforming homes in the Village AFTER they buy.

Councilmember Clemett stated that she would like the Planning Commission to proceed with developing amendments to the Zoning Code as she thinks the deeper eaves are more aesthetic. Councilmembers Sharp, Young, and Leider concurred. It was the consensus of the Council that the Planning Commission proceed with drafting proposed language, holding public hearings, and forwarding a recommendation to the Council. Mayor Wells also asked the Planning Commission to consider limiting the width of any chimney allowed to intrude into the setback.

**TREES AND PLANTINGS ON TOWN ROWs:** Councilmember Clemett reported that she had walked around the Village with Robin Stefan and reviewed the beautification projects accomplished over the last few years. She reminded the Council that these projects usually include removing ivy and planting native species and suggested that property owners be encouraged to continue this wise stewardship of our public property when they plant in the ROW adjoining their property. She then distributed copies of King County's noxious weed list, including a number of "Do Not Plant" species, e.g. laurel and holly, that she would like to ask residents not to plant.

Councilmember Clemett stated that she understands there are no current BAV restrictions for what may be planted on an adjacent Town ROW and that any restrictions imposed would apply to the Town ROW only, not to private property. She added that she and Robin will develop very general plans for the unused street ends that provide guidelines to adjacent owners to encourage native and low-maintenance plantings yet maintain flexibility for individual preferences and styles.

Robin Stefan added that the idea is to encourage plantings that are consistent with the Town's wooded appearance and strongly recommend against aggressive plants, e.g. ivy, that the Town has been working so hard to remove.

Councilmember Clemett suggested that the emphasis be on voluntary cooperation for now. She asked that a notice be inserted in the newsletter recommending that Villagers use only native plants on Town property, discouraging the planting of laurel, ivy, and other plants listed as noxious on the King County list. Clerk-Treasurer Spens will put together a notice for the next newsletter.

**BOAT TRAILER PARKING:** Councilmember Clemett distributed photos she took throughout the Village showing boat trailers parked in violation of the Town's Zoning Code, i.e. either on Town ROW or unscreened on private property. She suggested that if the Town has an ordinance regulating this activity, it should be enforced. It was the consensus of the Council to do so.

Councilmember Clemett will prepare a flyer for the mailstands announcing that the trailer parking rules will be actively enforced beginning on June 1, 2006 and informing Villagers that the fine for violating this ordinance is a fine of \$100 per day until the violation is eliminated. The flyer will direct questions to Clerk-Treasurer Spens. On June 1<sup>st</sup>, Clerk-Treasurer Spens will write letter to those who remain out of compliance informing them of the violation and the need to move the trailer to a legal location.

Councilmember Clemett asked Clerk-Treasurer Spens to discuss how best to enforce this regulation and impose the daily fine, if such action becomes necessary, with the Town Attorney and report his answer next month.

**REVIEW OF ORDINANCE NO. 135 ESTABLISHING THE DAY AND TIME OF REGULAR COUNCIL MEETINGS:** Clerk-Treasurer Spens stated that if the Council wishes to make the 7pm starting time for Council meetings permanent, we will need to amend Ordinance No. 135. It was the consensus of the Council that she prepare a new ordinance for

review and action at the next Council meeting.

**MAYOR AND COUNCILMEMBER REPORTS:**

**WATER RIGHTS REVIEW:** Mayor Wells reported that she will not be contracting for a water rights review with a water-rights specialist at Foster Pepper due to the potential for conflict of interest. She noted that our certificate appears to be in good shape, but that we need to be careful to continue using our allotted water volume so as not to lose it. She added that she learn that increasing an entity's allowed capacity can be very difficult as is relocating its diversion point, i.e. the well head.

**TREE REMOVAL:** Councilmember Young reported that there is a Big Leaf Maple on the path near the Justus residence that appears to be dying. He noted that Ian with Trees for Life has already confirmed that the tree should be removed and that Ian will provide an arborist report and an estimate of the cost to remove it. He added that Ian will do the same with a tree on 106<sup>th</sup> Pl near the DeChants. Clerk-Treasurer Spens will put a note in the next newsletter about this action.

**4Q2005 TREASURER'S REPORT:** Councilmember Leider reported that he had reviewed the Fourth Quarter 2005 Treasurer's Reports with supporting documentation and found them to be complete and balanced.

**OVERHEAD WIRES:** Councilmember Robinson suggested that the Council look at the possibility of undergrounding our utility wires. Councilmember Leider commented that he would be interested in exploring such a project.

**BUILDING-SERVICES PROVIDER:** Councilmember Sharp reported that he asked Bob Durr to join the committee that he and Councilmember Leider have formed to find the names of other potential building-services providers and has talked with some of the other engineers in his office about names. Clerk-Treasurer Spens commented that Deputy Clerk Donworth has volunteered to find out who City of Bellevue used for their overflow work.

**PLANNING COMMISSION VACANCY:** Mayor Wells reported that several residents are considering her invitation to serve as a Planning Commissioner and that she hopes to have at least one to confirm in April.

**CLERK'S REPORT:**

**REPLACING NAME SIGNS:** Clerk-Treasurer Spens will place a notice in the next newsletter about the aging name signs in the Village and letting residents know to contact her if they wish to replace their sign for a nominal \$30 cost.

**CELL TOWER IN WOODHAVEN LANE:** Clerk-Treasurer Spens reported that a new resident informed her of a proposed cell-tower under consideration in Woodhaven Lane that the residents strongly oppose. She explained that this resident wondered if Beaux Arts is interested in allowing a cell tower on the water tower and suggested that if we are, we might wish to contact the cellular company that is proposing the installation. She added that Town Attorney Stewart has handled negotiations for similar installations on Yarrow Point and could

do the same for us if we wanted. Mayor Wells asked Clerk-Treasurer Spens to discuss the possibility with Town Attorney Stewart to see how we should proceed.

**BATES HEDGE:** Clerk-Treasurer Spens asked what action, if any, is begin taken to resolve the hedge issue. Councilmember Sharp reported that he has asked Bill Beck to purchase and install a stop sign to stop traffic traveling westbound on SE 29<sup>th</sup> Street because of the limited visibility at that intersection.

**NEXT MEETING:** Clerk-Treasurer Spens reminded the Council the April meeting is scheduled for April 11<sup>th</sup>, which is during Spring Break. It was the consensus of the Council to continue this meeting until April 25<sup>th</sup> due to lack of quorum. The meeting will be held at Mayor Wells' house.

**ADJOURN:** Councilmember Leider moved to adjourn the meeting at 9:45 pm.

Councilmember Robinson seconded.

Vote: 5 For, 0 Against, 0 Abstain. Motion carried.

Respectfully submitted,

Sue Ann Spens  
Clerk-Treasurer